

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1852 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

K.L. TANEJA & ORS.

Versus

OIL AND NATURAL GAS COMMISSION

Appearance:

MR SR BRAHMBHATT for Petitioners

MR RH MEHTA for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/06/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Yesterday I have decided the matter of Topmen in drilling section of the respondent-Corporation. This matter pertains to the grievance of Foreman grade, Gr.II, in Mechanical, Electrical and Auto department of the respondent. The grievances of the petitioners is that they have been given a discriminatory treatment in so far

as the placement under the revised structure prescribed by the new personnel policy and under Oil & Natural Gas Commission (Recruitment & Promotion) Regulations, 1980 and promotional avenues are concerned.

3. The post of Foreman Gr.II was made to be a post to be filled in by direct recruitment in future under the aforesaid Regulations. The grievance of the petitioners is that like other categories, the post of Foreman Gr.II should have been upgraded to the post of Foreman Gr.I and thereafter, they should have been given the promotions to the next higher post from the date they have completed 12 years of service. The petitioners have come up with a case that it has been done in the case of Topman and other categories also. Categorization which has been done in the case of the petitioners has been complained of in this Special Civil Application. I do not consider it to be appropriate to decide this matter on merits because in the case of Topman, the matter has been sent back to the Commission for considering their grievance afresh in the light of the observations made therein. There is yet another reason for which I do not consider it to be appropriate to decide this matter on merits.

4. The petitioners in their additional affidavit in rejoinder made a reference to the decision of this Court in the Special Civil Application No.2478/80. That petition has been disposed of by this Court on 3-7-1987. The order passed by this Court reads as under:

Mr. Rajni H. Mehta for Oil & Natural Gas Commission makes a statement that all Technicians Gr.I as on 25-4-1980 would be considered for placement in the post of Chargeman in their respective trades with effect from 25-4-1980 with normal benefit of pay fixation. Mr. Rajni Mehta further states that the petitioner's demand as prayed for in the petition is being fulfilled and hence nothing survives in the petition. In view of this statement made by Mr. Rajni Mehta the petition as on date has become infructuous and hence it is dismissed as infructuous. In case of any difficulty the petitioner will have liberty to apply. Rule is discharged with no order as to costs.

In that petition, the dispute was raised by Technicians Gr.II for their placement in the post of Chargeman with effect from 25-4-1980. A copy of this order has been produced by the petitioners and the respondent-Commission has replied in its affidavit in reply at page No.235 that

the respondent-Corporation had agreed to treat certain Technicians Gr.I as Chargeman w.e.f. 25-4-1980, but the said statement had been made by the respondent-Corporation in view of the fact that certain persons who were working as Technicians Gr.II, that is a post junior to the post of Technician Gr.I, were promoted to Technician Gr.I (Reserved) in terms of an interim promotion policy of the respondent-Corporation and the said persons had also been deemed to have been promoted to the post of Chargeman on the introduction of the R & P Regulations, 1980, which is a post senior to the Technician Gr.I.. In affidavit-in-rejoinder, the petitioners have come up with a case that despite of the stand of O.N.G.C. that they are contesting the claim of Technicians Gr.I made in Special Civil Application No.2478/80, they have taken a somersault and stated that the petitioners have not been similarly situated. The petitioners' case is that they are similarly situated to that class of persons. In the case of Technicians Gr.I, the benefits have been given to them, but the same benefits are not given to the petitioners and that is their grievance, which still continues. The matter, whether the case of the petitioners is similarly situated to the case of Technicians Gr.I or not, is to be decided by the respondent-Corporation. However, it is a fact that the Corporation has accepted the claim of Technicians Gr.I and they have been given the benefits. There is yet another category of Topman and in respect of the claim of that category, the matter has been decided yesterday by this Court.

5. So taking into consideration the totality of the facts of this case, the claim of the petitioners made in this Special Civil Application needs to be considered by the respondent-Corporation in the context of their claim of similarity of their case with the case of Technicians Gr. I, as well as with reference to the claim of Topmen also. I consider it to be appropriate that the Corporation decides the matter of the claim of the petitioners along with the claim of the Topmen, which has been ordered to be decided by this Court yesterday.

6. In the result, this Special Civil Application is disposed of in the terms that this Special Civil Application may be considered to be a representation of the petitioners and their claim shall be decided by the respondent-Corporation within a period of six months from the date of receipt of copy of this order. The respondent-Corporation shall take care that the claim of the petitioners and the claim of the Topmen should be decided together. The petitioners or any of the

petitioner who desires personal hearing shall be given an opportunity of personal hearing in the matter. It shall be open to the petitioners to file all other material documents including the reply of the Corporation, their further affidavit in rejoinder and further affidavits etc. of the parties before the Corporation, before it undertakes to decide the matter. The Special Civil Application and the Rule stands disposed of in the aforesaid terms with no order as to costs.

zgs/-